

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:14-cr-00244

DONALD L. BLANKENSHIP,

Defendant.

ORDER

The Court has reviewed the Defendant's *Motion for Leave to File Under Seal Defense Motion No. 3: Motion to Transfer to Another District for Trial and the Supporting Exhibits and Memorandum of Law* (Document 123), filed on February 20, 2015, and the *Motion for Leave to File Under Seal Reply in Support of Defense Motion No. 3 and Accompanying Exhibits* (Document 166), filed on March 6, 2015. To date, the United States has not filed a response to either motion.

These two motions concern the Defendant's motion to transfer venue, and both request that the Court seal the submissions and any exhibits attached in support because they "contain prejudicial pretrial publicity," and if released to the public, "would fuel extremely negative reporting about Mr. Blankenship," and thus, "exacerbate the existing prejudgment and bias against Mr. Blankenship." (Document 166 at 1.) He argues that the circumstances here are unlike those found in *In re The Charlotte Observer. (Id.)* Given the Fourth Circuit Court of Appeals' recent Judgment (Document 162), the Court finds the Defendant's argument unpersuasive.

Wherefore, after careful consideration of the Defendant's written submissions, the Court **ORDERS** that the *Motion for Leave to File Under Seal Defense Motion No. 3: Motion to Transfer to Another District for Trial and the Supporting Exhibits and Memorandum of Law* (Document 123) and *Motion for Leave to File Under Seal Reply in Support of Defense Motion No. 3 and Accompanying Exhibits* (Document 166) be **DENIED**.

The Court **DIRECTS** the Clerk to send a copy of this Order to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: April 8, 2015



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA